

**IN THE UNITED STATES DISTRICT COURT
FOR THE NORTHERN DISTRICT OF GEORGIA
ATLANTA DIVISION**

JONATHAN N. BRAZZLE,

Plaintiff,

v.

REBECCA L. DRISCOLL,

Defendant.

CIVIL ACTION FILE NO.

NOTICE OF REMOVAL

Defendant Rebecca L. Driscoll (“Driscoll” or “Defendant”) submits this Notice of Removal of the action referenced herein from the State Court of Cobb County, Georgia, to the United States District Court for the Northern District of Georgia, Atlanta Division, respectfully showing as follows:

1.

Driscoll is a named defendant in a civil action brought in the State Court of Cobb County, Georgia, styled *Jonathan N. Brazzle v. Rebecca L. Driscoll*, Civil Action File no. 23-A-755.

Attached hereto and made a part hereof as Exhibits are:

- Exhibit 1: A copy of the Complaint for Damages filed by Plaintiff in the State Court of Cobb County on February 23, 2023;

- Exhibit 2: A copy of the Summons issued by the Clerk of the State Court of Cobb County on February 23, 2023;
- Exhibit 3: A copy of the Notice of Filing Proof of Service filed by Plaintiff in the State Court of Cobb County on March 3, 2023; and
- Exhibit 4: A copy of the Affidavit of Compliance for Non-Resident Motorist filed by Plaintiff in the State Court of Cobb County on March 3, 2023.

The attached Exhibits 1 through 4 are copies of all process, pleadings, and orders served on Defendant in the action pending in the State Court of Cobb County, Georgia.

2.

The aforementioned action was commenced by the filing of Plaintiff's complaint in the State Court of Cobb County, Georgia on February 23, 2023.

3.

This Court has jurisdiction over this action under 28 U.S.C. § 1332 because there is complete diversity of citizenship between the Plaintiff and

Defendant, and the amount in controversy exceeds \$75,000.00, excluding interest and costs.¹

4.

Pursuant to 28 U.S.C. § 1446(b)(1) and FED. R. CIV. P. 6(a), this Notice of Removal is filed within 30 days after receipt by Defendant, through service or otherwise, of a copy of a pleading, amended pleading, motion, order or other paper from which it may first be ascertained that the case is one which is or has become removable.

¹ In a demand letter sent before filing suit, Plaintiff's attorney identified hospital bills of \$110,674.17 relating to the allegations in the Complaint. Plaintiff also alleges in his Complaint that he has suffered "catastrophic and permanent injuries to his leg, neck and back" due to the subject collision. (Complaint, Doc. 1-1, ¶ 12.) Thus, Defendant has a good-faith basis for believing that the amount in controversy in this action exceeds \$75,000.00. See *Herron v. C&S Wholesale Grocers, Inc.*, 2008 U.S. Dist. LEXIS 102993, *5, Case no. 5:08-cv-304-CAR (M.D. Ga. Dec. 22, 2008) ("the jurisdictional amount may be apparent on the face of the Complaint if the language clearly alleges extensive damages such as long-term medical expenses, mental and physical pain and suffering, loss of enjoyment of life, loss of wages and earning capacity, and permanent disability and disfigurement or other serious injuries"); *Vaughan v. Ryder Capital Servs. Corp.*, 2015 U.S. Dist. LEXIS 124776, *3, Case no. 4:15-cv-74-CDL (M.D. Ga. Sep. 18, 2015) (explaining that the court may make "reasonable deductions, reasonable inferences, or other reasonable extrapolations" to determine whether the jurisdictional amount is met in cases alleging such extensive injuries). Compare *Lockhart v. Moon*, 2020 U.S. Dist. LEXIS 237193, Case no. 4:20-cv-204-CDL (M.D. Ga. Dec. 17, 2020 (denying plaintiff's motion to remand action removed on the basis of diversity, because plaintiff "allege[d] only past injuries and past medical expenses but [did] not allege a permanent injury, any future damages, or any other damages like lost wages or punitive damages").

5.

The subject controversy is one between a resident and citizen of the state of Georgia (Plaintiff) and a defendant who is not a citizen or resident of Georgia.

6.

Plaintiff is a citizen and resident of the state of Georgia. (Complaint, Doc. 1-1, ¶ 1.)

7.

Defendant is a citizen and resident of the state of Florida. (Complaint, Doc. 1-1, ¶ 2.)

11.

The amount in controversy exceeds \$75,000.00, excluding interest and costs, and this is a civil action brought in a State Court of the State of Georgia, of which the United States District Courts have original jurisdiction because of diversity of citizenship and the amount in controversy pursuant to 28 U.S.C. § 1332.

12.

Based on the complete diversity that exists between the parties and the amount in controversy, the pending action is one which Defendant is entitled to remove to this Court pursuant to 28 U.S.C. §§ 1332, 1446(b).

WHEREFORE, Defendant Rebecca Driscoll prays this Notice of Removal be filed, that said action be removed to and proceed in this Court, and no further proceedings be had in the said case in the State Court of Cobb County, Georgia.

Respectfully submitted this 31st day of March, 2023.

HAWKINS PARNELL & YOUNG, LLP

/s/ Martin A. Levinson

Martin A. Levinson
Georgia Bar No. 141791
Andrew McClintock
Georgia Bar No. 791979
Counsel for Defendants

303 Peachtree Street
Suite 4000
Atlanta, Georgia 30308-3243
(404) 614-7400
(404) 614-7500 (fax)
mlevinson@hpylaw.com
amcclintock@hpylaw.com

ID# E-HU5PRVCA-RVT
 EFILED IN OFFICE
 CLERK OF STATE COURT
 COBB COUNTY, GEORGIA
23-A-755

FEB 23, 2023 10:53 AM

Robin C. Bishop
 Robin C. Bishop, Clerk of State Court
 Cobb County, Georgia

IN THE STATE COURT OF COBB COUNTY
 STATE OF GEORGIA

JONATHAN N. BRAZZLE,)	
)	
Plaintiff,	)	CIVIL ACTION
	)	FILE NO. _____
)	
v.)	
	)	COMPLAINT
REBECCA L. DRISCOLL,)	
	)	<u>JURY TRIAL DEMANDED</u>
Defendant.)	

COMES NOW JONATHAN N. BRAZZLE, Plaintiff, and makes and files this Complaint against Defendant REBECCA L. DRISCOLL as follows:

PARTIES AND JURISDICTION

1.

Plaintiff Jonathan Brazzle resides at 495 Springer Parkway, Dallas, Georgia 30132 and is subject to the jurisdiction of this court.

2.

Defendant Rebecca L. Driscoll resides at 10121 Hoop Court, Port Richey, Florida 34668 and may be served with a copy of the summons and complaint at this address and is subject to the jurisdiction of this court.

3.

Jurisdiction and venue are proper in this court.

BACKGROUND

4.

Plaintiff realleges and incorporates herein the allegations contained in Paragraphs 1 through 3 as if fully restated.

Exhibit 1

5.

On or about August 15, 2022, Plaintiff was driving his vehicle eastbound on McCollum Parkway.

6.

Defendant was driving her vehicle westbound on Chastain Road.

7.

Defendant recklessly and wantonly made a left turn at a speed too fast for the conditions of the road and without yielding to oncoming traffic causing a substantial collision with Plaintiff's vehicle.

8.

As a result of the collision, Plaintiff suffered catastrophic and permanent injuries to his leg, neck and back.

COUNT 1

NEGLIGENCE

9.

Plaintiff realleges and incorporates herein the allegations contained in Paragraphs 1 through 8 as if fully restated.

10.

Defendant was negligent in the following manner:

- (a) Failing to yield the right of way;
- (b) Driving too fast for conditions;
- (c) Failing to yield the right of way when making a turn;
- (d) Failing to yield the right of way when entering an intersection; and

- (e) Operating and driving her vehicle in a wanton and reckless manner.

11.

Defendant was negligent in failing to maintain a proper lookout for Plaintiff's vehicle and colliding with Plaintiff's vehicle.

12.

As a result of Defendant's negligence, Plaintiff suffered catastrophic and permanent injuries to his leg, neck and back.

13.

Defendant's negligence is the sole and proximate cause of Plaintiff's injuries.

WHEREFORE, Plaintiff prays that he have a trial on all issues and judgment against Defendant as follows:

- (a) That Plaintiff recover the full value of past and future medical expenses and past and future lost wages in an amount to be proven at trial;
- (b) That Plaintiff recover for mental and physical pain and suffering and emotional distress in an amount to be determined by the enlightened conscience of the jury;
- (c) That Plaintiff recover such other and further relief as is just and proper; and
- (d) That all issues be tried before a jury.

This 23rd day of February, 2023.

Respectfully submitted,
THE BASKIN LAW GROUP, P.C.

Peachtree Center North Tower
235 Peachtree Street N.E., Suite 400
Atlanta, Georgia 30303
Telephone: (404)880-4156
Facsimile: (404) 880-4154
E-mail: mbaskin@baskinlg.com

/s/ Michael A. Baskin
Michael A. Baskin
Georgia Bar No. 041052
Attorney for Plaintiff

IN THE STATE COURT OF COBB COUNTY
STATE OF GEORGIA

JONATHAN N. BRAZZLE,)	
)	
Plaintiff,	)	CIVIL ACTION
	)	FILE NO. _____
)	
v.)	
)	
REBECCA L. DRISCOLL,)	
)	
Defendant.)	

VERIFICATION

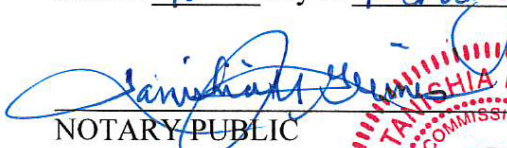
PERSONALLY APPEARED before the undersigned officer, duly authorized by law to administer oaths, JONATHAN N. BRAZZLE, who, after first being duly sworn, deposes and states that the facts contained in the within and foregoing *COMPLAINT* are true and correct to the best of his knowledge, information and belief.

FURTHER AFFIANT SAYETH NOT.

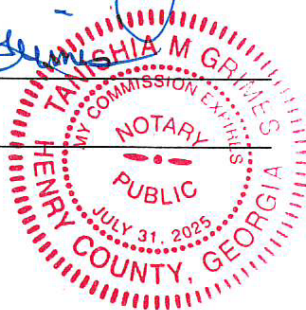


JONATHAN N. BRAZZLE

Sworn to and subscribed before
me this 18th day of February, 2023.



NOTARY PUBLIC
Commission Expires: _____



**STATE COURT OF COBB COUNTY
STATE OF GEORGIA**

ID# E-HU5PRVCA-3BD
FILED IN OFFICE
CLERK OF STATE COURT
COBB COUNTY, GEORGIA
23-A-755

FEB 23, 2023 10:53 AM

Robin C. Bishop
Robin C. Bishop, Clerk of State Court
Cobb County, Georgia

CIVIL ACTION NUMBER 23-A-755

\$198.00 COST PAID

Brazzle, Jonathan N.

PLAINTIFF

VS.

Driscoll, Rebecca L.

DEFENDANT

SUMMONS

TO: DRISCOLL, REBECCA L.

You are hereby summoned and required to file with the Clerk of said court and serve upon the Plaintiff's attorney, whose name and address is:

**Michael A. Baskin
The Baskin Law Group, P.C.
235 Peachtree Street, N.E.
Suite 400
Atlanta, Georgia 30303-1400**

an answer to the complaint which is herewith served upon you, within 30 days after service of this summons upon you, exclusive of the day of service. If you fail to do so, judgment by default will be taken against you for the relief demanded in the complaint.

This 24th day of February, 2023.

Clerk of State Court



Robin C. Bishop
Robin C. Bishop, Clerk of State Court
Cobb County, Georgia

IN THE STATE COURT OF COBB COUNTY
STATE OF GEORGIA

JONATHAN N. BRAZZLE,)	
)	
Plaintiff,	)	CIVIL ACTION
	)	FILE NO. 23-A-755
)	
v.)	
)	
REBECCA L. DRISCOLL,)	
)	
Defendant.)	

CERTIFICATE OF SERVICE

This is to certify that I have this date served a copy of the *NOTICE OF FILING PROOF OF SERVICE* upon the party in this matter via U.S. Mail with adequate postage affixed thereto and mailed to the last known address as follows:

Ms. Rebecca Lynn Driscoll
10121 Hoop Court
Port Richey, Florida 346681

This 3rd day of March, 2023.

Respectfully submitted,
THE BASKIN LAW GROUP, P.C.

/s/ Michael A. Baskin
Michael A. Baskin
Georgia Bar No. 041052
Attorney for Plaintiff

Peachtree Center North Tower
235 Peachtree Street, N.E., Suite 400
Atlanta, Georgia 30303
Telephone: (404) 880-4156
Facsimile: (404) 880-4154
E-mail: mbaskin@baskinlg.com



March 3, 2023

Dear Tanishia Grimes:

The following is in response to your request for proof of delivery on your item with the tracking number:
9481 7091 0515 6012 7376 15.

Item Details

Status: Delivered, Left with Individual
Status Date / Time: March 2, 2023, 4:25 pm
Location: PORT RICHEY, FL 34668
Postal Product: Priority Mail Express 1-Day[®]
Extra Services: PO to Addressee

Signature Service
Up to \$100 insurance included

Recipient Name: Rebecca L Driscoll
Actual Recipient Name: R DRISCOLL

Note: Actual Recipient Name may vary if the intended recipient is not available at the time of delivery.

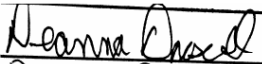
Shipment Details

Weight: 3.0oz

Destination Delivery Address

Street Address: 10121 HOOP CT
City, State ZIP Code: PORT RICHEY, FL 34668-3218

Recipient Signature

Signature of Recipient:	 <u>Deanna Driscoll</u> 10/21 Hoop Ct
Address of Recipient:	<u>10/21 Hoop Ct</u>

Note: Scanned image may reflect a different destination address due to Intended Recipient's delivery instructions on file.

Thank you for selecting the United States Postal Service[®] for your mailing needs. If you require additional assistance, please contact your local Post Office[™] or a Postal representative at 1-800-222-1811.

Sincerely,
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ID# E-YZBTMCXZ-PY5
 EFILED IN OFFICE
 CLERK OF STATE COURT
 COBB COUNTY, GEORGIA
23-A-755

MAR 03, 2023 04:27 PM

Robin C. Bishop
 Robin C. Bishop, Clerk of State Court
 Cobb County, Georgia

IN THE STATE COURT OF COBB COUNTY
 STATE OF GEORGIA

JONATHAN N. BRAZZLE,)	
)	
Plaintiff,	)	CIVIL ACTION
	)	FILE NO. 23-A-755
)	
v.)	
)	
REBECCA L. DRISCOLL,	)	AFFIDAVIT OF COMPLIANCE FOR
	)	<u>NON-RESIDENT MOTORIST</u>
)	
<u>Defendant.</u>)	

Personally appeared before me, the undersigned officer duly authorized to administer oaths, Michael A. Baskin, having been duly sworn deposes and avers as follows:

1.

My name is Michael A. Baskin, and I am over the age of majority and competent in all respects to testify to the matters set forth herein. I give this Affidavit voluntarily and upon personal knowledge.

2.

I, Michael A. Baskin, the undersigned, am the attorney who represents the Plaintiff in the case of Jonathan N. Brazzle v. Rebecca L. Driscoll in the State Court of Cobb County, State of Georgia, Civil Action Number: 23-A-755.

3.

I do hereby certify that, in accordance with O.C.G.A. § 40-12-2, I have forwarded by registered or certified mail or statutory overnight delivery, notice of service of the above case along with a copy of the Complaint and process to the Defendant at the following address: Ms. Rebecca Lynn Driscoll, 10121 Hoop Court, Port Richey, Florida 34668.

Exhibit 4



4.

I further certify that I SHALL FILE WITH THE APPROPRIATE COURT appended to the documents, regarding this case: (1) any return receipt received as evidence of service upon the Defendant by the Plaintiff; and (2) this Plaintiff Affidavit of Compliance.

This 3rd day of March, 2023.

Respectfully submitted,
THE BASKIN LAW GROUP, P.C.



Michael A. Baskin
Georgia Bar No. 041052
Attorney for Plaintiff
Peachtree Center North Tower
235 Peachtree Street, N.E., Suite 400
Atlanta, Georgia 30303
Telephone: (404) 880-4156
Facsimile: (404) 880-4154
E-mail: mbaskin@baskinlg.com

Sworn to and subscribed before me
this 3rd day of March, 2023.



Notary Public



IN THE STATE COURT OF COBB COUNTY
STATE OF GEORGIA

JONATHAN N. BRAZZLE,)	
)	
Plaintiff,	)	CIVIL ACTION
	)	FILE NO. 23-A-755
)	
v.)	
)	
REBECCA L. DRISCOLL,)	
)	
Defendant.)	

CERTIFICATE OF SERVICE

This is to certify that I have this date served a copy of the *AFFIDAVIT OF COMPLIANCE FOR NON-RESIDENT MOTORIST* upon the party in this matter via U.S. Mail with adequate postage affixed thereto and mailed to the last known address as follows:

Ms. Rebecca Lynn Driscoll
10121 Hoop Court
Port Richey, Florida 346681

This 3rd day of March, 2023.

Respectfully submitted,
THE BASKIN LAW GROUP, P.C.



Michael A. Baskin
Georgia Bar No. 041052
Attorney for Plaintiff

Peachtree Center North Tower
235 Peachtree Street, N.E., Suite 400
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E-mail: mbaskin@baskinlg.com